

INFO	LOG-00	EEB-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	DOEE-00	PERC-00	DS-00	DHSE-00	EUR-00	VCI-00	H-00
	TEDE-00	INR-00	IO-00	LAB-01	L-00	CAC-00	MOFM-00
	MOF-00	VCIE-00	NSAE-00	NSCE-00	OIC-00	CAEX-00	GIWI-00
	PRS-00	P-00	DOHS-00	FMPC-00	SP-00	IRM-00	SSO-00
	SS-00	STR-00	TRSE-00	NCTC-00	SCRS-00	DSCC-00	PRM-00
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 FM AMEMBASSY BUJUMBURA
 TO SECSTATE WASHDC PRIORITY 1695
 INFO AMEMBASSY DAR ES SALAAM
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 AMEMBASSY NAIROBI
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 AMEMBASSY PRETORIA
 USMISSION USUN NEW YORK

C O N F I D E N T I A L BUJUMBURA 000446

NAIROBI FOR SLUTZ
 PARIS FOR AFRICA WATCHER

E.O. 12958: DECL: 08/31/2019
 TAGS: [KDEM](#) [PGOV](#) [BY](#)
 SUBJECT: SAGA OF BURUNDI'S ELECTORAL CODE CONTINUES

REF: A. BUJUMBURA 393
[1](#)B. BUJUMBURA 444

Classified By: CHARGE D'AFFAIRES CHARLES H. TWINING FOR
 REASON 1.4 (B,D)

[1](#)1. (C) Summary. Burundi's draft Electoral Code has been the subject of difficult negotiations, which have received a push from the UN and diplomatic community. Both houses of Parliament begin a special session September 1, during which time there are hopes that remaining controversies over the Code's provisions can be resolved. End Summary.

[1](#)2. (C) Post has reported on the back and forth efforts to establish an Electoral Code which will not favor any one party but which enjoys the broadest support among all political parties possible. When we last wrote (ref A), President Nkurunziza of the ruling CNDD-FDD party and First Vice President Dr. Yves Sahinguvu of the Uprona party were negotiating a text which would be generally acceptable to all. They were successful and, except for one or two details which were expected to be worked out in the legislative bodies, their draft earned the praise of the majority of the political spectrum.

[1](#)3. (C) By August 28 it was clear that the satisfactory conclusion was not to be. A committee in the National Assembly returned the text to the earlier, less acceptable version adopted by the Council of Ministers (e.g., multiple ballots, Presidential election first) and increased filing fees to a level other party leaders told us would virtually exclude them from running. Only the richest party -- the CNDD-FDD -- would be able to pay them, they suggested. As the First Vice President confided to us the following day, the text he and the President had hammered out was "hijacked by the extremists." He said he had met with Senate President Gervais Rufyikiri for almost two hours earlier in the day to tell him he must "do something" to resolve the mess.

[1](#)4. (C) UN Representative Youssef Mahmoud of BINUB convened a meeting with the major party chiefs late August 29 to appeal to them to work toward a consensus document that would enjoy broad-based support. With diplomats present to demonstrate support, he read to them a demarche of concern from South Africa, Tanzania, the U.S., the EU (represented by Belgium),

and the UN (demarche transmitted in ref B.) We avoided mentioning specific provisions of the Code. Reactions from the parties were predictable, with the CNDD, Uprona, and a particularly angry Frodebu President lashing out at the state of things, and hardline CNDD-FDD Secretary General Gelase Ndabirabe telling the envoys across the table that foreigners do not know everything about Burundi, and Burundians would work it out. He also attacked the staffing of CENI (the CNDD-FDD has been alleging that it is manned by personnel from the other parties and insisting on receiving key posts) and said that the CENI must work with the Minister of Interior. This elicited counterattacks by others that CENI is independent, and they want to keep it that way. Mahmoud again appealed to all to cooperate on a text.

15. (C) Both houses of the legislature ended their sessions August 31 without further movement on the Code, though we are told by several sources that negotiations are underway. Conversations have occurred among all the high level players, and Sahinguvu told Mahmoud that our statement was helpful in breaking through the deadlock. We and other diplomats have received similar reactions from officials of various parties.

At the Senate's closing ceremony August 31, President Rufyikiri said that no party can impose its viewpoint and called for party leaders to enter into a spirit of dialogue and compromise. The National Assembly and Senate will both go into special session for ten days beginning September 1, and a two day retreat hosted by the Inter-Parliamentary Union is also expected to provide opportunities for useful discussions. Both legislative chambers are aiming to finish adopting the national budget and the Electoral Code by the special session's end. A number of players are expressing optimism that differences on the Code will be worked out satisfactorily, though we have heard that before.

16. (C) CENI President Pierre Claver Ndayicariye has told us of his concern that the CNDD-FDD may well play hardball regarding the filling of CENI staff positions which, if he caves, will almost certainly mean a less than independent Electoral Commission. Chiefs of Mission meeting at BINUB late August 31 agreed that we must all continue to work to support CENI independence.

17. (C) Comment. One of the most important contributions to our August 29 meeting with the parties came from South African Ambassador Mdu Lembede. He asked the political leaders to "do the right thing" and not let the process fail or the CENI to be destroyed. It was a good message at the right time from the envoy of the country which has done so much to make the peace process a reality.

Twining